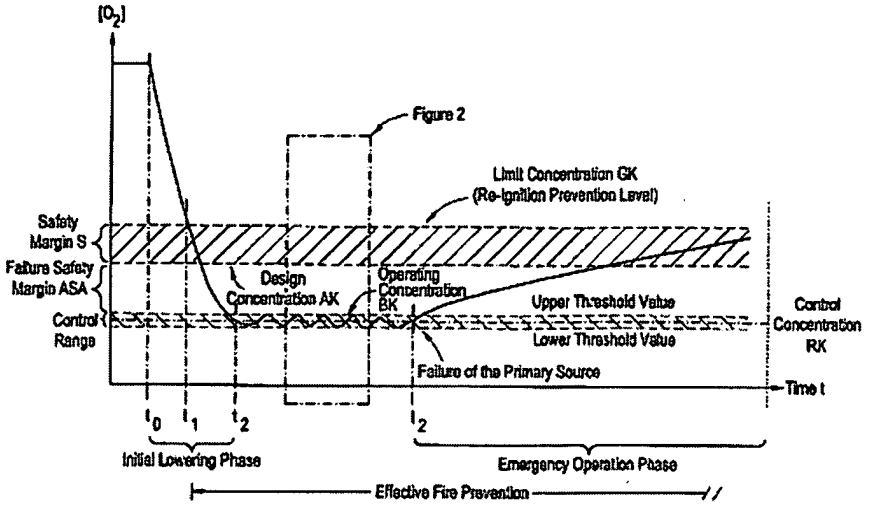
REMARKS

Entry and consideration of the Request for Reconsideration under 37 CFR § 1.116 filed on March 26, 2009, are respectfully requested. The arguments set forth in that response are incorporated herein by reference. Claims 11-18 are pending in this application. Reconsideration and allowance of all the claims are respectfully requested in view of the following additional remarks.

Claim 11 recites an intertization method for reducing the risk of fire in an enclosed protected area. For this purpose, the oxygen content in the protected area is reduced to a control concentration (RK) below an operating concentration (BK) by feeding an oxygen-displacing gas from a primary source. As depicted in the following drawing (which corresponds to Fig. 3 of the present application), the oxygen concentration is reduced during an initial lowering phase such as to be in a control range between an upper threshold value and a lower threshold value. In this case, the upper threshold value of the control range corresponds to the operation concentration (BK). In detail, the oxygen concentration or the oxygen content in the protected area is maintained at the controlled concentration (RK) within the control range.



In the present invention, the control concentration (RK), i.e., the concentration at which the oxygen content in the protected area is reduced, is much lower than the limit concentration (GK), i.e., the characteristic concentration which is necessary in order to guarantee that the materials of the protective area cannot ignite. Please note that the risk of fire in the enclosed protected area is already reduced when the oxygen content in the protected area is reduced only to the limit concentration (GK) which corresponds to the re-ignitation prevention level.

According to the present invention, however, the oxygen content in the protected area is not only reduced to the limit concentration (GK). Rather, the oxygen content in the protected area is reduced to the control concentration (RK) which is much lower compared with the limit concentration (GK). In particular, the control concentration (RK) corresponds to the limit concentration (GK) less a failure safety margin (ASA) and a safety margin (S). By doing this, i.e., by intentionally reducing the oxygen content in the protected area to a concentration (control

concentration RK) which is much lower than the limit concentration (GK), the present invention effectively prevents the ignitation or re-ignitation of combustible materials in the protected area even in the event of a malfunction that effects the primary source.

In other words, in case of a complete breakdown of the primary source, i.e., no inert gas is introduced into the protected area, during a predefined time when the primary source fails, the oxygen content in the protected area cannot access the limit concentration (GK). Hence, even in the event of a breakdown of the primary source, the ignitation or re-ignitation of combustible materials in the protected area cannot occur. This is due to the fact that the control concentration (RK), at which the oxygen content in the protected area is reduced by feeding the oxygen-displacing gas from the primary source, is intentionally below the characterizing limit concentration (GK).

Only for the sake of completeness, please note that the design concentration (AK) corresponds to the limit concentration (GK), i.e., the threshold value of the oxygen content at which the ignition or re-ignition or re-ignition of combustible materials in the protected are can be prevented, less a so called safety margin (S).

In these circumstances, the prevention is intended to reduce the oxygen content in the protected area to a level control concentration (RK) which corresponds to an oxygen concentration which is much lower compared with the oxygen concentration which corresponds to the limit concentration (GK), i.e., the threshold value of the oxygen content in the protected area at which the ignitation or re-ignitation of combustible materials in the protected area can be prevented.

With respect to the prior art and, in particular, with respect to document US 6,341,572 B1 (Howell et al.), this document clearly does not teach a person skilled in the art to reduce the oxidant content at a level which is much lower than the oxygen content which corresponds to the limit concentration. Rather, column 5, lines 18 to 26 of US '572 B1 teaches a person skilled in the art to reduce the oxidant content of the enclosure gas mixture sufficiently that combustion of the mixture will not occur, regardless of the volume of combustible gas within the mixture.

US '572 B1, however, is completely silent with respect to a case when the exhaust/vent system fails and no inert gas can be supplied to the enclosed area for reducing the oxygen content. In fact, this prior art only teaches a person skilled in the art to reduce the oxygen content to a control concentration which corresponds to the limit concentration or slightly lower than the limit concentration. To define the control concentration and a level which is much lower than the limit concentration so that the oxygen content in the enclosed area cannot access the limit concentration even in a case of a failure of the inert gas source, has clearly not been taken into account in the prior art.

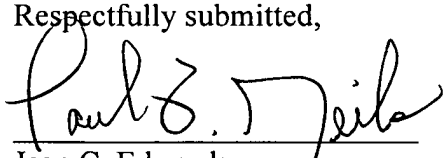
CONCLUSION

Reconsideration and withdrawal of all the pending rejections and allowance of the application are hereby solicited.

If the Examiner believes that there is any issue that could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such an extension is to be charged to Deposit Account No. 50-0951. Applicants also hereby authorize the USPTO to charge Deposit Account No. 50-0951 for any excess claim fees necessitated by this amendment, and any other fees required to maintain the pendency of this application.

Respectfully submitted,



Jean C. Edwards
Registration No. 41,728
Paul F. Neils
Registration No. 33,102

(57362)
AKERMAN SENTERFITT
8100 Boone Boulevard
Suite 700
Vienna, Virginia 22182-2683
www.akerman.com
703 394-1380 direct tel
703 394-1399 direct fax
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